

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SCOTT DAVIS and KEN KUGLER,

Plaintiffs,

v.

ALLEN FOX, et al.,

Defendants.

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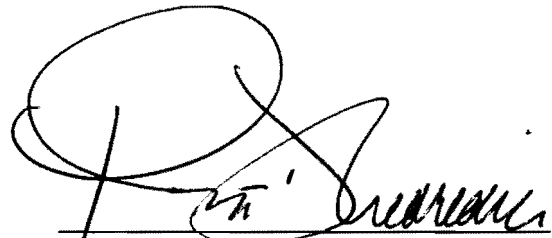
**3:12-CV-1660
(JUDGE MARIANI)**

ORDER

AND NOW, THIS 3rd DAY OF MARCH 2015, upon consideration of Defendants' Motion for Summary Judgment (Doc. 80), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion for Summary Judgment (Doc. 80) is **GRANTED IN PART** and **DENIED IN PART**.
 - a. With regard to Counts I and II, Defendants' Motion is **DENIED**.
 - b. With regard to Count III, Defendants' Motion is **GRANTED IN PART** with respect to Defendant Wilkes only. Defendants' Motion is **DENIED IN PART** with respect to Defendant Fox. Plaintiffs' conspiracy claim against Defendant Fox remains.
2. A telephone scheduling conference will be held on **THURSDAY, MARCH 12, 2015 at 10:00 AM**. Plaintiffs' Counsel is responsible for arranging the call to (570) 207-

5750, and all parties should be ready to proceed before the undersigned is contacted.

A handwritten signature in black ink, appearing to read "R. D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge